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Attorneys for Yellowstone County *et al*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ESTATE OF LOREN SIMPSON <i>et al</i> ,)	
)	Cause No. CV 15-0099-SPW
Plaintiffs,)	
)	
vs.)	YELLOWSTONE COUNTY'S
)	SUPPLEMENTAL
YELLOWSTONE COUNTY <i>et al</i> ,)	RESPONSES TO
)	PLAINTIFF'S SECOND
Defendants.)	DISCOVERY REQUESTS
)	

INTERROGATORIES

INTERROGATORY NO. 5: In your response to Request for Admission No. 1, you indicated that "both officers were informed that the county would be initiating disciplinary proceedings" against the officers. Please identify:

A. Who made the decision to initiate the disciplinary proceedings;

ANSWER: Sheriff Linder.

B. The manner in which that decision was discussed and ultimately reached, including the identity of any individual who took part in discussions with the decision-maker, the identity of any documents reviewed by the decision-maker, and the identity of any evidence considered by the decision-maker;

ANSWER: Sheriff Linder decided to pursue disciplinary proceedings against the officers after reviewing investigative material involving the shooting incident, all of which has already been turned over to Plaintiff in response to other discovery requests. There was no specific meeting to discuss this action. In addition to any discussion concerning disciplinary aspects of the shooting incident, other matters such as the shooting review board, coroner's inquest and related issues, were discussed on an ongoing basis between law enforcement, including Sheriff Linder, and the office of the County Attorney involving County Attorney Twito, Deputy County Attorney Gillen and others in the County Attorney's office.

C. Who informed the officers that disciplinary proceedings would be initiated;

ANSWER: Deputy County Attorney Gillen.

D. How this information was conveyed to the officers (i.e. in person, by phone, etc.);

ANSWER: In person.

E. When this information was conveyed to the officers;

ANSWER: During the week of February 11, 2015.

F. Who was present when this information was conveyed to the officers, including whether both officers were present together or whether there were separate discussions with each officer; and

ANSWER: The following persons were present at that discussion: Mr. Robinson, Mr. Rudolph, Gillen and MPEA Union Representative Darcy Dahl.

G. All reasons given to the officers as grounds for initiating disciplinary proceedings, including any allegation of violation of any law, policy, procedure, training standard, or standard of care.

ANSWER: The meeting with the officers focused on a lack of meaningful discussion in the patrol vehicle between the officers concerning options available and tactics employed.

Dated this 23rd day of March 2016.



Kevin Gillen
Deputy Yellowstone County Attorney


Verification

STATE OF MONTANA)

: ss.

County of Yellowstone)

I, Kevin Gillen, being duly sworn, state that I am a Deputy Yellowstone County Attorney, the responses to the interrogatories are correct as far as I know and I am authorized by the Yellowstone County Board of County Commissioners to answer the interrogatories served on the County by the Estate of Loren Simpson on behalf of the County and to make this verification.

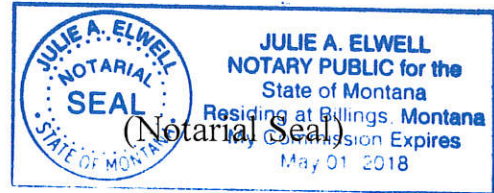


Kevin Gillen
Deputy Yellowstone County Attorney

Signed and sworn to before me on this 23rd day of March 2016 by Kevin Gillen.



Julie A. Elwell
Notary Public for the State of Montana
Residing at Billings, Montana.
My commission expires: May 1, 2018



Certificate of Service

I certify that on the date below I mailed a copy of the attached Yellowstone County's Supplemental Responses to Plaintiff's Second Discovery Requests to:

Datsopoulos, MacDonald & Lind, P.C.

Attn: Nathan G. Wagner

201 West Main Street, Suite 201

Missoula, Montana 59802

Attorney for the Estate of Loren Benjamin Simpson, et al

Dated this 23rd day of March 2016.



Kevin Gillen

Deputy Yellowstone County Attorney